

Minutes

Board of County Commissioners Hyde County

May 19, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, May 19, 2008 in the Community Center, Ocracoke, NC. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public.

Following a pledge of allegiance to the flag and opening prayer by Mr. Swindell the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the May 19, 2008 meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda as presented by the Clerk. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft April 7, 16, 21, and May 5, 2008 meeting minutes.

Commissioner Davis moved to approve the April 7, 2008 Meeting Minutes as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Commissioner Swindell moved to approve the April 16, 2008 Meeting Minutes as presented by the Clerk. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Commissioner Armstrong moved to approve the April 21, 2008 Meeting Minutes as presented by the Clerk. Mr. Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Commissioner Davis moved to approve the May 5, 2008 Meeting Minutes with the following change to page 2 line 45 as to state: to support a local Bill authorizing the merger of Mid-East Housing Authority with Washington Housing Authority. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Public Comments:

Chairman Spencer called for comments from the public.

Ms. Gwen Austin, Ocracoke Middle School Math/Science Teacher, asked the Board to consider approving an additional Math/Science teacher position on Ocracoke.

Mr. George Ortman, Ocracoke Middle School Principal, recommended approving the Math/Science teacher position on Ocracoke.

Mr. Jerry Stinger – Hyde County Cablevision, Belhaven, asked to be placed on the June 2, 2008 Agenda to discuss discontinuing cable service to the 50-55 remaining mainland Hyde County customers.

Ms. Leslie Lanier, Ocracoke Middle School Parent, reported to the Board that the proposed Math/Science Teacher position on Ocracoke is necessary.

Mr. Steve Wolfe, Ocracoke High School Math Teacher, reported to the Board that he tutors students to help prepare them for end of grade testing. Mr. Wolfe stated that all students must pass Algebra I portion of the EOG in order to graduate high school. He recommends approving the proposed Math/Science Teacher position.

Public Hearing:

Hazard Mitigation Plan Update:

Commissioner Davis moved to open Public Hearing. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Kris Noble presented an update of the Hazard Mitigation Plan to the Board.

Jerry Stinger, Hyde County Cablevision, Belhaven, reported that he is required by law to install the necessary equipment to provide coverage for the EMS communication system.

Commissioner Davis moved to close Public Hearing. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Ordinances and Resolutions:

Hyde County Ordinance to Adopt a Village Wide Speed Limit on Ocracoke Per State Ordinance:

After discussion and report from County Attorney Sid Hassell that the County does not have authority to pass speed limit on Ocracoke (state roads), Mr. Davis moved to lay the matter over to the June 2, 2008 County Commissioners meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Resolution for Meeting Attendance Via Electronic Link:

Commissioner Davis moved to ask Hyde County legislative representatives for a local bill authorizing all public boards in Hyde County to conduct business, attend meetings, and vote via electronic link. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Appointments:

Interim County Manager Carl Classen reported that the Ocracoke Planning Advisory Board vacancy would be re-advertised with a May 30, 2008 deadline for applications.

Chairman Spencer reported that he and Mr. Davis should be replaced on the ABC Board.

Other Matters:

Budget Revisions and Transfers:

Carl Classen, Interim County Manager reviewed with the Board a request from County Planner, Alice Keeney for clarification of the December 3, 2007 approval of the Hyde County Land Use Plan fund reinstatement (\$4,000) to the line item “Hyde County Land Use Planning Item #104900.4502” in order to reimburse the general advertising budget for land use planning advertising expense incurred since July 1, 2007, to pay for future advertising and miscellaneous expenses and to pay Holland Consulting Planners, Inc. for the retainer due to their firm of (\$3,000). Commissioner Armstrong move to approve clarification of the December 3, 2008 Hyde County Land Use Plan fund reinstatement. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

After discussion, Mr. Davis moved to approve budget revisions and transfers from the Health Department for mosquito control (\$4,000); Inspections Department (\$5,000); and Hyde County

Sheriff's Office (\$167.74) and (\$319.82). Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Interim County Manager Carl Classen informed the Board of upcoming changes to the North Carolina Medicaid program. After review and discussion Commissioner Davis moved to approve a request from the Department of Social Services for a (\$14,560.50) budget transfer. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

CLERK'S NOTE: A copy of the "Budget Ordinance Amendment" is attached herewith as Exhibit A and incorporated herein by reference.

Proposed FY2008-09 Budget:

Interim County Manager Carl Classen presented to the Board the draft FY2008-09 Budget.

After discussion and review, Mr. Swindell moved to set Public Hearing on the FY2008-09 Budget for the June 2, 2008 Hyde County Commissioners meeting. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Board members agreed to change the Budget Workshop meetings scheduled for Thursday, May 22, May 29, and June 5, 2008 to 3:00 PM till 7:00 PM.

Home Health Services on Ocracoke:

Hyde County Health Director Wesley Smith reviewed with the Board a draft Hydeland Home Care Agency Home Health Professional Service Agreement with Dare County to provide Home Health services on Ocracoke.

No action was taken. The Board will address the issue at the June 2, 2008 Commissioners meeting.

Subdivision Application – Anthony Davis, Scranton:

Commissioner Swindell moved to excuse Tom Davis due to conflict of interest in this matter.

After discussion, Commissioner Swindell moved to approve the Anthony Davis Subdivision Application for the Davis-Fletcher Tract, Scranton, NC. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Pittard Perry & Crone Contract Extension:

After review and discussion, Commissioner Swindell moved to continue Contract to Audit Accounts with Pittard Perry & Crone contingent that deadlines be met. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

Boards and Committees:

Subdivision Ordinance Amendment Committee – Commissioner Davis reported that the Board is re-drafting the Hyde County Subdivision Ordinance.

Joint School Facilities Committee – Commissioner Ballance reported that the Board toured Mattamuskeet School buildings in need of repair and/or replacement. Commissioner Spencer stated the Board will organize a meeting with committee members and Senator Marc Basnight to request financial assistance for mainland and Ocracoke schools.

Upcoming Meetings:

Budget Workshop special meetings are scheduled in the Multi-Use Room at the Government Center, Swan Quarter at 3:00 P.M. on May 22, May 29, and June 5, 2008.

County Commissioners Report:

Commissioner Davis reported that the ORV consent decree allowing for regulated beach access had been signed and that litigators had done the best as could be done. Mr. Davis asked that everyone please write to their Congressional Delegation to recommend the new Stormwater Runoff laws be put on hold.

Commissioner Swindell commended Health Director Wesley Smith for a job well done. Mr. Swindell also encouraged the Board to take a look at the Land Use Mitigation Plan and to try to prevent trading farm land for swamp land.

Commissioner Ballance reported that he attended the ORV Negotiation Rulemaking Committee meeting last week. Ramps have been suggested but Mr. Ballance stated that he does not recommend installing ramps because they do not work. Mr. Ballance recommends random sampling of household waste to check for accuracy of the Pay-As-You-Throw plan recently selected for Ocracoke.

Commissioner Spencer reported that he and Albemarle Mental Health members met with Senator Marc Basnight in Raleigh recently to discuss construction of an Edenton Detox building and to ask for State funding. Mr. Spencer stated that two ABC Board members are needed. Mr. Spencer congratulated Ms. Sharon Spencer for being elected commissioner to represent Lake Landing Township.

Commissioner Armstrong thanked Mr. Classen for payment to the Southern Albemarle Association.

No other Board or Committee reports were offered so Chairman Spencer continued with the Agenda.

County Manager's Report:

Interim County Manager Carl Classen reported that he opposes North Carolina General Assembly House Bill 1513 which allows Counties to voluntarily participate in funding for secondary road construction, improvement, and maintenance; Requests for Proposal (RFP) for Solid Waste for Hyde County are due in the County Manager's office by 10:00 AM on Friday, May 23, 2008; advised citizens to not violate ORV Regulations; Hyde County Solid Waste Plan near completion; Counties cannot remove financial incentive for land mitigation tax breaks; and the estimated cost for repairing the Judge's bench in the courtroom is (\$13,825).

New Hyde County Website:

Kris Noble presented an overview of the new Hyde County Website via PowerPoint presentation. The new site is expected to open on Tuesday, May 20, 2008.

Closed Session:

Mr. Davis moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters and NCGS 143-318.11 (a) (3). Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

The Commissioners entered closed session at 8:50 PM.

Mr. Davis moved to return from Closed Session. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

The Commissioners re-entered regular session at 9:15 PM.

Payment to Debbie Cahoon:

Commissioner Swindell moved to authorize payment of a 10% salary adjustment of (\$2,599) for Debbie Cahoon, Administrative Assistant, Soil & Water for additional duties assigned to her position from July 1, 2007 to March 31, 2008. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

After discussion, the Board approved payment of (\$5,200) for the Mason and Harris litigation for dike easement. Commissioner Davis was excused from this discussion due to conflict of interest.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – None.

The meeting adjourned at 9:25 PM.

Respectfully submitted:

Lois Stotesberry, Clerk to the Board of Commissioners

SEAL

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – “*Budget Ordinance Amendment*”